THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.3213 of 1999

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Dated:17.02.2006

Between:

V.Balaram Murthy, S/o. Late Sitaram Raju,
R/o. Kurmannapalem, Visakhaptnam.

..... PETITIONER

AND

District Collector,
Visakhapatnam, and another.

.....RESPONDENTS

THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.3213 of 1999

ORDER:

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The petitioner was the owner of lands in Survey Nos.30/1, 2, 3 and 4 of Vodlapudi Village. The land in Survey No.30/1 admeasuring Ac.1.33 cents was acquired under Award No.3 of 1982, dated 17.02.1982, and he was paid compensation. It appears he was also in possession of land admeasuring Acs.2.38 cents in Survey Nos.30/2, 3 and 4, which was assigned in his favour. His allegation is that though the said land belongs to him by reason of D-Form patta issued in 1971, and that the land was taken over by the second respondent, he was not paid any compensation for the assigned land or damages. Contending that his rights under Article 300A of the Constitution of India have been violated, the petitioner filed the present writ petition on 17.02.1999 seeking a writ of mandamus directing the respondents namely the District Collector, Visakhapatnam, and the Visakhapatnam Steel Plant, to pay the compensation along with interest as per the provisions of the Land Acquisition Act, 1894 (for short 'the Act').

Opposing the writ petition, the second respondent filed a counter affidavit. It is stated

that the land assigned to the petitioner is the Government land, and therefore, it is not necessary to acquire the same under the provisions of the Act. It is further stated that the land was handed over to the Visakhapatnam Steel Plant pursuant to the orders of the Government in G.O.Ms.No.302, dated 18.03.1974, and that the second respondent has laid a road on the same. This Counter affidavit was filed on 21.01.2000 before this Court, but no reply affidavit is filed.

Learned Counsel for the petitioner submits that even though the land admeasuring Acs.2.38 cents is assigned land, the petitioner is entitled for claiming the compensation in accordance with the provisions of the Act. He, however, does not dispute that the land was ordered to be transferred to the second respondent in 1974, and the same was handed over to Visakhapatnam Steel Plant. But, the petitioner did not take any steps for getting the compensation, though he was very much aware that the land is being taken over by the Visakhapatnam Steel Plant. There is a huge delay, which is not explained properly. Secondly, the petitioner has not placed before this Court a copy of the D-Form patta to adjudicate the nature of the right of the petitioner into the said patta.

The Writ Petition is devoid of merits, and is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

17.02.2006

vs